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FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2247 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	:	Court's or Judge's Orders

Mr. Ashok Mishra for the petitioner.

Ms. P.H. Kantharia, A.P.P. for the State.

CORAM: SMT. RANJANA DESAI & A.S. OKA, JJ.

DATED: 21ST DECEMBER, 2004.

P.C.:-

We have heard Mr. Mishra, the learned counsel for the petitioner and Ms. Kantharia, the learned A.P.P. for the State, at length.

The petitioner has a grievance against one Ravindra Shivram Salvi. According to him, the said Salvi is encroaching upon his land and is harassing him. The learned counsel submits that the said Salvi has committed several offences. We find that three private complaints filed by the petitioner are pending in the

criminal courts. Where the civil rights of the petitioner are involved, his remedy is to approach the civil court. The petitioner has not filed any suit against said Salvi to establish his rights to the land in question. So far as the complaints filed by the petitioner at the Malad and Dindoshi Police Stations are concerned, we are informed by Ms. Kantharia, the learned A.P.P., on instructions from the police officers viz. P.I. S.S. Jain and PSI Waghmare of Malad Police Station, Retd. A.C.P. Loni and Retd. PI Birje of Dindoshi Police Station and HC Salunkhe, DCB, CID, (Admn.), who are present in the court that some of them are being investigated and in some cases, report has been filed in the court and they are pending before the Borivli Court. The latest complaint being Complaint dated 10/10/2004 has been inquired into and a copy of the report has been given to the petitioner.

In view of this, we feel that it is not necessary to entertain this petition. The petitioner will,

however, be free to adopt any civil remedy, which is open to him. The petitioner can also file private complaint, if he is so advised in case the need arises. Considering the nature of the dispute, we direct the learned Magistrates before whom the private complaints of the petitioner are pending, to dispose of the said complaints/cases as expeditiously as possible. The petitioner shall co-operate and get the cases disposed of at the earliest.

Petition is disposed of in the aforestated terms.

(SMT. RANJANA DESAI, J.)

(A.S. OKA, J.)